

III- NEW RECOMMENDATIONS

A- Background

In this report, one new recommendation is made: **To reduce the time taken to complete the investigation of a citizen complaint from ten months to six months.** One of the most frequent complaints expressed by both the public and San Jose Police Officers is that the investigation of citizen complaints takes too long. People filing complaints desire and expect a quick resolution to their complaint. Officers who are the subject of a complaint also desire and expect that a pending investigation alleging wrong doing be resolved expeditiously. These are not unreasonable expectations considering the impact these type of investigations can have on both the public and the officers involved. Another reason is that the integrity of the investigation is affected because with time memories wane, witnesses' whereabouts change, and complainant's lose interest in pursuing or cooperating with the investigation. Lastly, officer's awaiting assignment to a specialty unit could be negatively impacted by pending investigations of citizen complaints alleging misconduct or violations of policies or procedures.

Since the inception of the Office of the Independent Police Auditor (IPA), the San Jose Police Department's Internal Affairs Unit (IA) has made significant inroads in reducing the time taken to investigate citizen complaints. The 1994 Third Quarterly IPA Report⁵ revealed that some complaint investigations involving minor allegations

took over two years to complete. At the time, the San Jose Police Department (SJPd) had a goal for the Internal Affairs Unit to complete 75% of all cases within 120 days⁶. An audit of this goal was conducted by the IPA and it was discovered that this goal had never been met⁷. Therefore, a more realistic timeline was recommended and adopted by the SJPd which called for the completion of 100% of all investigations within 365 days⁸. To achieve this goal, more investigators were assigned to the Internal Affairs Unit.

In the 1996 Year End Report, the IPA recommended that cases alleging use of force be divided into two categories: Class I and Class II. Class I would cover those complaints alleging serious bodily injury and would therefore be given priority and investigated within 180 days. Class II Use of Force Complaints and all other complaints would have a completion goal of 365 days from the date they were filed.

Beginning January 1, 1999 the goal to complete all investigations was reduced from 365 days to 300 days. This goal was initially recommended in the 1997 IPA Year End Report. By the end of 1999, the SJPd had met the new goal by completing 98% of all investigations within 300 days, see illustration I.

Illustration I: A Five Year View of Complaints Completed

Time Period	Total Cases	Goal	Achieved Goal	%
Closed between Jan.1- Dec.31, 1995	470	Complete all investigations within 365 days	399	85%
Closed between Jan.1- Dec.31, 1996	570	Complete all investigations within 365 days	520	91%
Closed between Jan.1- Dec.31, 1997	489	Complete all investigations within 365 days	420	86%
Closed between Jan.1- Dec.31, 1998	454	Complete all investigations within 365 days	398	88%
Closed between Jan.1- Dec.31, 1999	327	Complete all investigations within 300 days	319	98%

B- Statistical Analysis

Intake Received	1999	2000	2001	2002 Mid-Year
Total Cases Received	819	694	461	257
Formal Complaints	229	220	143	75

Illustration II: Cases Received and Formal Complaints Investigation

The goal proposed is to complete all investigations within six months of the date they were filed. An analysis of the number of cases filed within the last three years reveals that the total number of contacts, from the public, at both the IPA and IA offices have declined every year, see illustration II. The number of formal complaints, which are those cases alleging more serious misconduct and which require more extensive investigation, also declined, see illustration II. Therefore, if the trend continues, there will be less complaints to investigate making it feasible to shorten the investigative time to six months.

Investigation Timelines	Closed Cases					
	Year 1999		Year 2000		Year 2001	
	Number	%	Number	%	Number	%
3 months (90 days)	131	70%	116	51%	64	44%
6 months (91 to 180 days)	37	20%	60	27%	44	30%
10 months (181 to 300 days)	12	7%	32	14%	27	18%
Over 10 months (over 300 days)	6	3%	18	8%	11	8%
Total Cases Closed Per Year	186	100%	226	100%	146	100%

Illustration III: Formal Complaints Investigation Timelines in the Last 3 Years

The data in illustration III shows an analysis of the actual time taken to complete the investigation of complaints filed by either a citizen or by the Chief of Police. These are also referred to as Formal Complaints. An analysis of the last three years, (1999 through 2001) reveal that 81% of all Formal Complaints were completed within six months. For those complaints filed by the Chief of Police and known as Department Initiated complaints⁹, 76% were completed with six months. Overall, 78.5% of all cases classified as Formal Complaints, closed in the last three years, have been investigated within six months. Formal complaints include the most serious types of misconduct allegations and therefore require a more in-depth investigation.

C- Conclusion

The six-month timeline is intended to assist management in tracking and resolving citizen complaints promptly. This new recommended goal should not diminish the quality of the investiga-

tions, nor the quality of the services provided to the public and the subject officers. Such a concern was previously addressed and analyzed when the timeline was reduced from an indefinite period to one year. If the trend of the last three years continues, with a decline in total cases filed, this new recommendation, while challenging the IA investigators, should not pose an undue burden. Greater confidence and satisfaction from the public and the subject officer's will be the expected outcome.

D- Recommendation

Complete the investigation of all citizen complaints within six months.